

REMARKS

Applicant respectfully requests reconsideration. Claims 1-5 and 7-20 were previously pending in this application. Claims 1 and 18 have been amended. Claims 5 and 9-15 have been canceled. As a result, claims 1-4, 7-8, and 16-20 are pending for examination with claims 1 and 18 being independent claims. No new matter has been added.

Prior Art Rejections

Claims 1-5 and 7 stand rejected under 35 U.S.C. §102(e) as purportedly being anticipated by Sugnaux (U.S. Patent Publication No. 2004/0131934). Claims 8, 18 and 19 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Sugnaux. Claims 16 and 20 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Sugnaux in view of Ishibashi (JP 2003021410). Claim 17 stands rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Sugnaux in view of Yamakawa (U.S. Patent No. 6,656,633).

Sugnaux is directed to electrochemical cells that employ non-aqueous organic electrolyte, solid polymer electrolyte, and porous electrode materials.

Independent claims 1 and 18 have been amended to include the subject matter of claim 5, reciting that “the metal is at least one metal selected from the group consisting of Pt, Ru, Co, Ti, Ni, Al and Au.” Support for these amendments can be found, at least, in paragraph [0024] of the published application.

The Office Action points to Examples 3, 4, and 5 of Sugnaux to allegedly disclose a metal that is selected from the group consisting of Pt, Ru, Co, Ti, Ni, Al and Au. The claims, as amended, distinguish over the prior art.

Example 3 of Sugnaux teaches loading of a coating solution on to a transparent carrier where the coating includes TiO₂. Example 4 of Sugnaux describes incorporation of Al₂O₃ into a coating solution. Example 5 of Sugnaux teaches of negative and positive electrodes that are composed of TiO₂/LiCoO₂. Each of the Examples relied upon by the Office Action incorporate the usage of metal oxide materials, rather than metals. In contrast, independent claim 1 includes a metal that is selected from a group consisting of Pt, Ru, Co, Ti, Ni, Al and Au, none of which are metal oxides. Because Sugnaux does not disclose at least one metal selected from the group consisting of Pt, Ru,

Co, Ti, Ni, Al and Au, the rejection of independent claims 1 and 18 should be withdrawn. Because claims 2-4, 7-8, and 16-17 depend from claim 1, for at least the same reasons, the rejections of these claims should also be withdrawn. The rejections of claims 19 and 20 which depend from claim 18 should also be withdrawn.

General Comments on Dependent Claims

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does Applicant concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Regarding claim 17, the Office Action concedes that Sugnaux does not teach the binder being insoluble to electrolytes. However, the Office Action contends that it would have been obvious to append the teachings of Yamakawa to the teachings of Sugnaux to prevent diffusion of electrolytes. Applicant respectfully traverses this rejection.

Yamakawa does not disclose a binder that is insoluble to electrolytes. Instead of a polymer binder that is insoluble to electrolytes, Yamakawa teaches of a polymer binder that has low solubility in an electrolyte solution (see col. 7, lines 62-65 of Yamakawa). Indeed, a polymer binder having low solubility in an electrolyte solution is different from a polymer binder that is insoluble to electrolytes. Accordingly, even if the teachings of Yamada and Yamakawa could be combined in the manner that the Office Action suggests, all of the elements of claim 17 are still not met. Thus, the rejection of claim 17 should be withdrawn.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1459.70092US00.

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Respectfully submitted,

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